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Circular to Commandants of Conscripts.

BUREAU OF CONSCRIPTION,
Richmond, Va., June 23, 1863.

A difference of opinion having arisen as to the right of officers of conscription to order a re-examination of persons to whom exemptions have been granted by medical examining boards, and upon the duties of such boards, as governed by paragraph II, General Orders, No. 39, current series, in connection with General Orders, No. 58, of 1862, and 22, of 1863, Adjutant and Inspector General's office, the following instructions are issued for the information and guidance of all concerned:

The War Department, in its construction of the act of Congress providing for the examination of enrolled persons, by a medical board, whose decision should be final, "has not regarded the term '*final*' in this act as importing that there should be but one examination of the medical board, or that their certificates cannot be recalled or revised. The condition of a person's physical or mental capacity is liable to change, and with the changes that may occur his liability to perform service may alter.

"The act of Congress makes these certificates of the medical board '*final*' in the sense that it settles the liability so long as it is in force—that the person is not subject to the enrolling officer or commandant of conscripts while it is in force. But this agency for enforcing the conscript act, like all the other agencies of its administration, is subordinate to the War Department, as charged by the President with its execution. The Department can call out and place in service, from time to time, persons enrolled who are not in the service, and may direct the enquiries proper to accomplish the object."

The War Department having the necessary authority to order re-examination in all cases, recognizes the hardships that would result from an indiscriminate exercise of this power, and is of opinion that it should be used only in a limited way. Enrolling officers will, therefore, exercise great caution in executing the following instructions:

When in the opinion of enrolling officers the causes for which exemption was granted to a person after examination by the medical board, have ceased

to exist, they will make a report in full to the board, stating the name of the person, when enrolled, when examined, and the disease, with reasons for believing it to have disappeared, and that the person is capable of performing service.

If the examining board shall think proper, it will order the party to be brought before it for a re-examination. Until the board shall so order, the person exempted will not be molested.

In this connection, it is deemed proper to state that General Orders, No. 22, of 1863, and 58, of 1862, Adjutant and Inspector General's office, are general instructions, and should not be construed as an exhaustive enumeration of causes insufficient to exempt from review a verdict of physical incapacity for military service.

G. W. LAY,
Lieut. Col. A. A. G.
Act'g Chief of Bureau.

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